

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE RIDEOUT,

Plaintiff,

Case No. 22-cv-11597

Hon. Matthew F. Leitman

v.

SHELBY TOWNSHIP, et al.,

Defendants.

/

**ORDER GRANTING PLAINTIFF LEAVE TO FILE A FIRST AMENDED
COMPLAINT AND ESTABLISHING PROCEDURE TO BE FOLLOWED
IN CONNECTION WITH POSSIBLE AMENDMENT**

On July 14, 2022, Plaintiff Willie Rideout filed this action against Shelby Township, the Shelby Township Police Department, and a number of individual Shelby Township officials. (*See* Compl., ECF No. 1.) The parties filed a joint discovery plan pursuant to Federal Rule of Civil Procedure 26(f) on November 21, 2022, and the Court held a scheduling conference a week later on November 28, 2022. (*See* Rule 26(f) Plan, ECF No. 24.) As Defendants indicated in the joint discovery plan and confirmed during the scheduling conference, they intend to file “an early motion to dismiss the Shelby Township Police Department and Plaintiff’s claims for Gross Negligence and Malicious Prosecution.” (*Id.*, PageID.277.)

The Court **DIRECTS** the parties to follow the procedure below in connection with Defendants’ planned motion to dismiss. First, by not later than **December 13,**

2022, Defendants shall send Plaintiff a written explanation as to why they believe Plaintiff's claims against the Shelby Township Police Department and the claims for gross negligence and malicious prosecution are deficient. Second, by not later than **January 5, 2023**, Plaintiff shall file on the docket a notice stating whether Plaintiff wishes to amend his Complaint in response to Defendants' contentions concerning the purported deficiencies. Third, if Plaintiff decides to file an Amended Complaint, Plaintiff shall do so by not later than **January 19, 2023**. Fourth, if Plaintiff files an Amended Complaint, Defendants may file a motion to dismiss some or all of the claims in that amended pleading by not later than **February 14, 2023**. Finally, if Plaintiff gives notice (as required above) that he will not be filing an Amended Complaint, Defendants shall file any motion to dismiss claims in the original Complaint by not later than **January 25, 2023**.

The Court does not anticipate allowing Plaintiff another opportunity to amend to add factual allegations that he could now include in an Amended Complaint. Simply put, this is Plaintiff's opportunity to amend his allegations to cure the alleged deficiencies in his claims.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 29, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 29, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126